<u>REMARKS</u>

I.    <u>Introduction</u>

In response to the Office Action dated March 23, 2007, claim 31 has been amended. Claims 1-32 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II.    <u>Claim Amendments</u>

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III.    <u>Interview Summary</u>

On June 11, 2007, an interview was conducted between Examiner Thuy Osberg and Jason S. Feldmar (attorney for Applicants). Applicants appreciate the time and consideration taken by the Examiner to discuss the present application. Applicants noted that the present application was filed on July 15, 2003 with a convention priority date of July 19, 2002. Further, the primary cited reference Kim had a filing date of February 13, 2003. Based on the above, the validity of Kim with respect to the present application was discussed. Agreement was not reached in that the Examiner asserted that various paragraphs of a parent application of Kim provided sufficient support to establish an earlier priority date for Kim. Applicants respectfully disagreed with such an assertion.

IV.    <u>Office Action Subject Matter Rejection</u>

On page (2), the Office Action rejected claims 31-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants respectfully disagree with and traverse the above rejections. Nonetheless, in the interest of expediting prosecution, Applicants have amended the independent claims to overcome the rejections. Applicants further note that the claims provide for a displaying step which is clearly a useful, concrete, and tangible result when used in the computer system. In addition, under MPEP 2106(IV)(B) and the interim guidelines, if the invention as set forth in the written description is statutory, but the claims define subject matter that is not, the deficiency can be corrected by an

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appropriate amendment of the claims. In such a case, Office personnel should reject the claims drawn to nonstatutory subject matter under 35 U.S.C. 101, but identify the features of the invention that would render the claimed subject matter statutory if recited in the claim. Thus, should the patent office elect to maintain the subject matter rejection, Applicants respectfully request that the Patent Office identify the features that would render the claimed subject matter statutory if recited in the claim.

V.      Prior Art Rejections

In paragraph (5) of the Office Action, claims 1-10, 14-23, and 27-29 were rejected under 35 U.S.C. §102(e) as being unpatentable over Kim et al. (US Pub 2004/0125124).

Specifically, the independent claims were rejected as follows:

> **As claim 1,** Kim teaches apparatus for processing image data (Abstract, lines 1-6; fig. 14A, labels 1402, 1408, 1410. 1414, 1418, 1424, 1426, 1428; par [0206]; par [0207], lines 1-3; par [0208]; fig. 20; par [0252]) comprising processing means (Abstract, lines 1-3, 12-18; par [0017], lines 13-16; par [0208]), input means (par [0094];par [0182]; fig. 11A, 11B, 11C, 11D; par [0187]) and display means (par [0026]; fig. 3; par [0105]; par [0043]; par [0155]), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure (fig. 2B, label 220; fig. 9, label 960; par [0155], lines 1-7) and said processing means is configured to perform the steps of (Abstract; fig. 9; par [0155], lines 7-29):
> generating a first image frame comprising a plurality of components by means of processing said plurality of data processing nodes (fig. 2B, labels 41, 42, 45; par [0101], lines 1-8; par [0254]);
> outputting said first image frame to said display means (fig. 9, labels 910, 960; par [0155]);
> receiving, via said input means, first user input data indicating one of said plurality of components (par [0094], lines 1-11 ; par [0105]; par [0136], lines 1-5; par [0182], lines 1-7);
> selecting a first data processing node considered to be appropriate to said indicated component (fig. 11A, 11B, 11C, 11D; par [0105]; par [0187];
> generating a second image frame comprising said plurality of components (fig. 3, labels 321, 322, 323, 324; 310, 330; par [0105]-[0106]; par [0108]; par [0193]) and further comprising tools relevant to said first data processing node (fig. 4; par [0109]; par [0217]);
> and outputting said second image frame to said display means (fig. 5, label 550; par [0109], lines 19-24; par [0114]; par [0121]).

Applicant traverses the above rejections for one or more of the following reasons:

(1)     Kim is not a valid prior art reference; and

(2)     Kim fails to teach, disclose, or suggest a selection of a component of an image frame which results in (a) the identification of a processing node, and (b) the generation of a second image frame containing selected components and tools relevant to the processing node.

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The present claims are directed towards a graphical user interface used in processing image data. More specifically, various data processing nodes are arranged in a hierarchical structure. Initially, a first image frame is generated and displayed. The first image frame consists of a plurality of components. In addition, the first image frame is generated by processing the data processing nodes. The user then selects one of the components in the displayed first image frame. In response to the selecting, a particular data processing node is identified/selected that is relevant to the selected component. Thereafter, a second image frame is generated that contains the various components as well as tools that are relevant to the particular data processing node identified/selected. Accordingly, the system provides a unique manner for displaying image data with various tools that are particularly relevant and that are based on the user's selections.

The cited references fail to teach these various aspects of the independent claims.

Kim is NOT a Valid Prior Art Reference

Applicants note that the present application was filed on July 15, 2003 with a convention priority date of July 19, 2002. Further, the primary cited reference Kim had a filing date of February 13, 2003 - a date after the priority date of the present application.

In view of the above, with respect to the validity of the Kim reference as prior art, Applicants submit that Kim does not qualify and cannot be used to reject the present claims in the manner recited by the Examiner. Under MPEP 2136.02(II), when an application is a CIP of another application, to rely on the earlier effective filing date, the subject matter relied upon must be present in the parent application. In addition, under MPEP 2136.03, the parent application must support the claims of the child/CIP application. Both requirements must be met in order to rely on a parent application to establish a valid prior art date.

During the telephone interview, the Examiner asserted that FIG. 4, Fig. 9 (labels 906 and 916), FIG. 32, FIG. 33, FIG. 60, FIG. 61, paragraphs [0205], [0463], and [0467] of parent application 09/911,293 provided the necessary support to establish the effective priority date for the cited Kim publication (2004/0125124). However, such figures and paragraphs do not correspond to the paragraphs used to reject the present application. For example, the rejection relies on Kim fig. 14A – labels 1402, 1408, 1410, 1414, 1418, 1424, 1426, and 1428 to reject the present application. However, upon a review of all of the figures of 09/911,293, there is no figure that even remotely

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resembles Kim's Fig. 14A. Thus, even the very first figure of Kim that is relied upon to reject the claims is not reflected or supported in the CIP application asserted by the Examiner.

In addition, to teach the selection of the various components in a first image and thereby identify/select an appropriate data processing node, the Office Action relies on Kim par [0094], lines 1-11, par [0105], par [01376], lines 1-5; par [0182], lines 1-7, figures 11A, 11B, 11C, 11D, paragraph [0105], and par [0187]. Applicants note that Kim's figures 11A-11D are nowhere to be found in the '293 parent application. Without such a disclosure in the '293 specification, the priority date of the Kim reference cannot link back to the '293 application.

In view of the above, Applicants submit that Kim is not a valid reference and the priority date of the '293 application cannot be used due to the lack of a corresponding description in the '293 application. In this regard, the material and contents of Kim used to reject the present claims cannot be found in the '293 application. Such a lack of disclosure fails to comply with the requirements set forth in the MPEP. Accordingly, the Office Action is in clear error and fails to establish a prima facie case of non-patentability.

Lack of Teaching

In addition to the invalidity of Kim as a prior art reference. Applicants submit that regardless of the priority date, Kim still fails to teach, disclose, or suggest the limitations of the presently claimed invention. In this regard, to teach the claimed limitations relating to selecting a component of an image frame the Office Action relies on paragraph [0094], lines 1-11; par [0105], par [0136], lines 1-5; par [0182], lines 1-7. Paragraph [0094] merely describes familiar user interfaces such as clicking on a button using a mouse. Paragraph [0105] describes the selection of a node in a hierarchy and in response, a list view of a video segment corresponding to a selected node appears in a list window. Par [0136] merely describes the creation of a visual rhythm image that represents an input stream on which a video hierarchy will operate. Paragraph [0182] describes semantic clustering where a query frame is used as input and a search is conducted for shots whose key frame is similar to the query. However, as can be seen from such text, nowhere is there any description of a user selecting a component of a displayed image frame. Instead, various nodes may be selected. Such a teaching does not teach or suggest the presently claimed limitation.

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The claims then provide for selecting a processing node that is appropriate for the selected/identified component. In teaching this claim element, the Office Action merely relies on Figs. 11A-11D, par [0105], and par [0187]. Figs. 11A-11D merely illustrate a group, ungroup, merge, and split modeling operation of the various nodes. Par [0187] describes the "group" operation. Such a description does not even remotely reflect the selection of a particular node based on a selected/identified component of an image frame. Further, even if one considers such text to teach the presently claimed limitations (which Applicants traverse), such relied upon text is missing from the parent priority application and thus, the Kim reference cannot be used to reject the present application.

In view of the above, Applicants submit that Kim not only fails to teach the invention as claimed, but Kim is not a valid prior art reference with respect to the present invention.

In addition to the above, the other cited references (e.g., Lokuge) fail to cure Kim's deficiencies.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Kim and Lokuge (6,262,597). In addition, Applicants' invention solves problems not recognized by Kim or Lokuge.

Thus, Applicants submit that independent claims 1, 14, 27, and 31 are allowable over Kim and Lokuge. Further, dependent claims 2-13, 15-26, 28-30, and 32 are submitted to be allowable over Kim and Lokuge in the same manner, because they are dependent on independent claims 1, 14, 27, and 31, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-13, 15-26, 28-30, and 32 recite additional novel elements not shown by Kim and Lokuge.

VI.     Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.  Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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